

N.D.A.G. Letter to Carlson (July 12, 1990)

July 12, 1990

Honorable Sarah Carlson
State Representative
1324 2nd Avenue North
Grand Forks, ND 58203

Dear Representative Carlson:

Thank you for your April 27, 1990, letter to Assistant Attorney General Steven Noack. My staff tells me that you intended to request my opinion of the applicability of the requirement under N.D.C.C. § 48-02-02 for a licensed architect to asbestos abatement, reroofing projects, and all types of remodeling.

N.D.C.C. § 48-02-02 provides that when the "total estimated cost of all work involved amounts to more than fifty thousand dollars for the completed project" plans for the project are to be obtained "from a licensed architect." As used in this section, the term "project" contemplates the act of "altering, repairing or constructing" a building owned by, among other government entities, a "school district." N.D.C.C. § 48-02-02.

In determining the meaning of a word used in a statute it is appropriate to look to the commonly understood meaning. N.D.C.C. § 1-02-02.

"Alter" means "to make different in details but not in substance." Webster's New World Dictionary 40 (2d College Ed. 1982). "Repair" means "to put back in good condition after damage, decay, etc.; mend; fix." Id. 1204. The act of asbestos abatement, reroofing, or remodeling a building would be either an act of altering or repairing that building.

It is my opinion that whenever the cost of an asbestos abatement, reroofing, or remodeling project for a building owned by a school district exceeds \$50,000, the school district must obtain "the plans, drawings, and specifications" for the project from a licensed architect.

I trust this answers your question.

Sincerely,

Nicholas J. Spaeth

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